

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
SOUTHERN DIVISION**

<b>JEANETTE R. BANTA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>VS.</b>	)	<b>No. 1:16-cv-436</b>
	)	<b>Jury Trial Demanded</b>
<b>WAL-MART STORES, INC.,</b>	)	
	)	
<b>Defendant.</b>	)	

**NOTICE OF REMOVAL**

Defendant hereby gives notice of the removal pursuant to 28 U.S.C. § 1441 et. seq., of the following action filed against it: Jeanette R. Banta v. Wal-Mart Stores, Inc.; in the Circuit Court for Bradley County, Tennessee, No. V-16-656.

This is a suit of wholly civil nature filed in Tennessee state court. The action is pending in the Circuit Court for Bradley County, Tennessee, and under 28 U.S.C.A. §§ 123(a)(2) and 1441(a), the United States District Court for the Eastern District of Tennessee, Southern Division is a proper forum for removal.

This Court has original jurisdiction pursuant to 28 U.S.C.A. § 1332, because there is complete diversity of citizenship and the amount in controversy exceeds \$75,000. The complaint seeks judgment in the amount of \$100,000.00 in compensatory damages. Plaintiff is a citizen of Tennessee.

Wal-Mart Stores East, L.P., is the entity that operated the store on the date of this accident. It was sued as Wal-Mart Stores, Inc. Defendant may be referred to as “Wal-Mart” in this document. It is expected that Wal-Mart Stores East, L.P., will be substituted as the proper Defendant in this matter.

Defendant Wal-Mart Stores East, L.P., is a Delaware limited partnership. WSE Management, LLC, a Delaware limited liability company, is the general partner, and WSE Investment, LLC, a Delaware limited liability company, is the limited partner. The sole member of WSE Management, LLC, and WSE Investment, LLC, is Wal-Mart Stores East, LLC, fka Wal-Mart Stores East, Inc., an Arkansas limited liability company. Wal-Mart Stores East, Inc., was converted to an Arkansas limited liability company on January 25, 2011. Wal-Mart Stores East, Inc.'s parent company is Wal-Mart Stores, Inc., a Delaware corporation. The principal place of business for all entities mentioned is 702 SW 8th Street, Bentonville, Arkansas.

Defendant was served with process on September 30, 2016. Fewer than thirty days have expired since service of process on Defendant. The summons and complaint are attached as Exhibit A hereto. This Notice of Removal is timely filed as set forth in 28 U.S.C. § 1446(b).

WHEREFORE, Defendant hereby gives notice of the removal of this action pending in the Circuit Court of Bradley County, Tennessee, to the United States District Court for the Eastern District of Tennessee, Southern Division, and requests that the proceedings be held thereon.

s/ Elle G. Kern  
G. Andrew Rowlett, No. 16277  
Elle G. Kern, No. 34301  
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Attorneys for Defendant

### **CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing was electronically filed with the Court and was served  
by U.S. Mail, postage prepaid, upon:

H. Franklin Chancey  
CHANCEY, KANAVOS, LOVE & PAINTER  
P.O. Box 42  
Cleveland, TN 37364-0042

this the 28<sup>th</sup> day of October, 2016.

s/ Elle G. Kern